

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SAFETY SOCKET, LLC,

Plaintiff,

CASE NO. 07-CV-15364

v.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

ALL STATE FASTENER CORP.,

Defendant.

**ORDER DENYING PLAINTIFF'S EMERGENCY MOTION TO STRIKE
DEFENDANT'S RE-FILED MOTION FOR SUMMARY JUDGMENT AS TIME
BARRED**

Before the Court is plaintiff Safety Socket, LLC's ("Plaintiff's") February 17, 2009 Emergency Motion to Strike All State Fastener Corporation's Re-filed Motion for Summary Judgment as Time Barred. (Dkt. No. 55). The hearing on defendant All State Fastener Corporation's ("Defendant's") Motion for Summary Judgment ("Original Motion") is scheduled for April 15, 2009.

On February 9, 2009, Defendant filed an Ex Parte Motion to Exceed Page Limits and File Brief in Support of Motion for Summary Judgment in Excess of Page Limitation ("Motion to Exceed"). (Dkt. No. 51). That same day Defendant filed its Original Motion, in which the text of the brief supporting the motion totaled thirty-five pages, in violation of the twenty page limit set forth in Local Rule 7.1(c)(3)(A). (Dkt. 52). On February, 11, 2009, the Court denied Defendant's Motion to Exceed, which resulted in its Original Motion being stricken. (Dkt. No. 53). Two days later, on February 13, 2009, Defendant re-filed its Motion for Summary Judgment ("Re-filed

Motion”). (Dkt. No. 54). Plaintiff subsequently filed the instant motion and supporting memorandum on February 17, 2009. (Dkt. Nos. 55–57).

At the onset, it is important to note, as did Plaintiff, that Defendant’s Original Motion was filed three days after the Court’s February 6, 2009 deadline for filing dispositive motions. (*See* Dkt. No. 50). According to Plaintiff’s own admissions, though, Plaintiff did not object to the untimely filing by Defendant. (Pl. Mem. 3 n.1). Likewise, the Court did not reject Defendant’s Original Motion as untimely; instead, it denied Defendant’s Motion to Exceed because the brief supporting Defendant’s Original Motion was in excess of the twenty page limit set forth under the local rules. Furthermore, only two days after the Court denied Defendant’s Motion to Exceed, Defendant submitted it Re-filed Motion. Such actions by Defendant do not show abuse or intentional disregard of the local rules of this Court. In addition, Plaintiff has not shown that it has suffered any prejudice through Defendant’s failure to strictly abide by the local rules.

Accordingly, the Court **DENIES** Plaintiff’s Emergency Motion to Strike All State Fastener Corporation’s Re-filed Motion for Summary Judgment as Time Barred. (Dkt. No. 55).

SO ORDERED.

S/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 3, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 3, 2009.

S/Denise Goodine

Case Manager